

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

WILLIAM ANTHONY DIGILIO,

Petitioner,

vs.

UNITED STATES DEPARTMENT OF
JUSTICE, et al.,

Respondents.

Case No. 2:11-CV-01866-JCM-(GWF)

ORDER

Before the court are the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (#3) and the government's response (#6). For the reasons stated below, the petition is without merit, and the court denies the petition.

When petitioner commenced this action, he was held at the Nevada Southern Detention Center. As respondents note correctly, this court had convicted petitioner of drug-related offenses in United States v. DiGilio, 2:94-CR-00043-LDG. Petitioner had served his term of imprisonment, was placed on supervised release, and was back in custody because this court revoked his supervised release.

The sole issue in this action was over the date on which petitioner was to be released from the Nevada Southern Detention Center. Petitioner claims that he should have been released on November 14, 2011. The Bureau of Prisons did not allow twelve days of credit and set petitioner's release on November 26, 2011. The court did not receive the petition until Friday, November 18, 2011, and it was docketed on Monday, November 21, 2011. Because of the Thanksgiving holiday, the court's order (#2) directing a response was not entered until Monday, November 28, 2011.

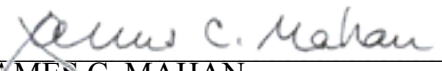
1 Respondents filed their response (#6) the next day, but petitioner already has been released, and thus
2 petitioner's request for relief is moot.

3 Reasonable jurists would not find the court's conclusion to be debatable or wrong, and the
4 court will not issue a certificate of appealability.

5 IT IS THEREFORE ORDERED that the petition for a writ of habeas corpus pursuant to 28
6 U.S.C. § 2241 (#3) is **DENIED**. The clerk of the court shall enter judgment accordingly.

7 IT IS FURTHER ORDERED that a certificate of appealability is **DENIED**.

8 DATED: December 6, 2011.

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11 JAMES C. MAHAN
12 United States District Judge
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